

**IN THE UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

ELITE AVIATION SERVICE, LLC

PLAINTIFF

VS.

NO. 5:19-cv-05134-PKH

ACE POOLS, LLC and TRACY WELCHEL

DEFENDANTS

DEFENDANTS' RESPONSE TO COURT'S JULY 22, 2019 ORDER
[ECF No. 6]

COMES NOW, Defendants Ace Pools, LLC (“Ace”) and Tracy Welchel (“Welchel”) by and through their attorneys, Natural State Law, PLLC, and state:

1 On July 18, 2019, the Defendants filed a Notice of Removal from the state court of Arkansas, Washington County. [ECF No. 1].

2 On July 22, 2019, the Court directed the Defendants to supplement the jurisdictional allegations in their notice of removal [ECF No. 1]. The Court provided guidance for Defendants in amending their notice.

3 “In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a citizen of the United States and be domiciled within the State.” *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 828, 109 S. Ct. 2218, 2221, 104 L. Ed. 2d 893 (1989).

4 A limited liability company's citizenship for purposes of diversity jurisdiction is the citizenship of its members. *GMAC Commercial Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827, 829 (8th Cir. 2004).

5 The Defendants' jurisdictional allegations in their notice of removal as it pertains to the citizenship of the Plaintiff were based upon the Plaintiff's Complaint. Plaintiff is an Arkansas limited liability company.

6 Defendants requested the membership of the Plaintiff from Plaintiff's counsel who provided this information.

7 Defendants have investigated all parties named in this action using the Court's preceding guidance and report to the Court in amending their notice as follows:

- a. Defendant Tracy Welchel is a citizen of the United States and is domiciled in Oklahoma. Defendant Tracy Welchel is a citizen of Oklahoma.
- b. Defendant Ace Pools, LLC has one member, Tracy Welchel, and the member is a citizen of Oklahoma. Defendant Ace Pools, LLC, is a citizen of Oklahoma.
- c. Plaintiff Elite Aviation Service, LLC, is the proper plaintiff and is registered as an Arkansas limited liability company.
- d. Plaintiff Elite Aviation Service, LLC, has two members, Arnold L. Hollingsworth and Lorene K Hollingsworth, both of whom are citizens of the United States and are domiciled in Arkansas. Plaintiff Elite Aviation Service, LLC, is a citizen of Arkansas.

8 Therefore, Defendants respectfully submit based upon this supplemental jurisdictional information, the parties have complete diversity pursuant to the Court's guidance in its July 22, 2019 Order.

WHEREFORE, Defendants respectfully submit this response, apologize to the Court for not being precise regarding the citizenship of the parties in its Notice of Removal, and pray the Court finds the additional jurisdictional information provided in this report sufficient for federal diversity of citizenship in this action.

Respectfully submitted,

By: /s/ William J. Changose

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CERTIFICATE OF SERVICE

I, William J. Changose, do hereby certify that a true and correct copy of the foregoing Response to Order of July 22, 2019 [DE 6] has been served upon following counsel of record via U.S. Mail postage prepaid:

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on this the 1st day of August 2019